

California State Journal of Medicine.

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Members of the Society are requested to promptly notify the publication office of change of address, in order that mailing list may be corrected. Secretaries of County Societies are also requested to notify the "Journal" of deaths, removals, etc., and send in names of new members and their postoffice address.

Communications on subjects of interest to the profession are invited. The "Journal" is not responsible for the views advanced by correspondents. Address letters relating to the "Journal" to the publication office, Room 1, Y. M. C. A. Building, San Francisco.

APRIL, 1904.

NOTICE OF REMOVAL.

The Publication Office of the State Society is now established in Room 1, Y. M. C. A. Building, corner Ellis and Mason Sts., San Francisco, where letters should be addressed and where visitors will be welcomed. Take elevator; entrance on Mason Street.

EDITORIAL NOTES.

Every member of every County Society is a member of the State Society and should attend the meeting this month at Paso Robles. While every member should attend, of course there are a good many who cannot. But there are a lot of men who can do so, though they think they cannot. To all such this word of advice is addressed. Do not harbor the idea that you cannot attend the meeting just because you are not a delegate from your society. Every member of every county society is entitled to his place at the meeting, and should be there to fill it. It will do you lots of good in more ways than one. You will hear a number of papers that will give you new ideas, and you will impart some of your own good suggestions to other physicians. You will meet a large number of your fellow-workers, become better acquainted with them, and enjoy the association and the friendship that will result. The change and rest will be just what you need after a hard winter's work, and you will return home after the meeting feeling as though you had been away for an additional summer vacation. Don't worry too much about those patients. Probably you can leave them with safety, though you

may not think so. Remember the parting advice of the professor of practice of medicine to his graduating class: "Gentlemen, when you get to fretting too much about the serious condition of some patient, remember that God is good—that 19 patients out of 20 get well, anyhow!"

State, County and Municipal health officers should not forget the meeting of the Association called at Paso Robles for the 18th of April. This is the day before the **HEALTH OFFICERS.** State Society assembles and there is no reason in the world why there should not be a large attendance of these officials and an exceedingly profitable meeting. A number of excellent papers and talks have been arranged and it is believed that the meeting will be very well worth attending. And, further, it is really the duty of these officers to get together and come to a good understanding of the many topics which they have to discuss. Their labors are of vital interest to the health of the community and they should agree upon a common basis for many lines of work. It is earnestly hoped that there will be a large attendance at this meeting.

Your careful attention is called to the statement from the Board of Examiners, printed on page 132. It may be said at once that practically all of these **ILLEGAL PRACTITIONERS.** arrests and prosecutions are directly due to the energy and the perseverance of the President of the Board. Great credit is also due the District Attorney's office, and Mr. McGuire, attorney for the Board of Examiners. One of the weak points in the medical practice law has been corrected through the initiative of the President of the Board, who swears to all complaints and warrants. This is by no means obligatory under the law. Nor is it required under the law that the Board shall take these actions, or that members of the Board shall aid in getting evidence on which to base arrests and prosecutions. It is, however, necessary that someone shall do this work, if it is to be done, and the profession seems to clearly recognize the fact that it must look to the Board of Examiners for such service. The JOURNAL, for one, does not hesitate to proffer its sincere thanks. The work has not been easy, for opposition has often been encountered where aid should have been extended. A man's friends or relatives, or his otherwise spotless reputation, have no bearing upon the question as to whether or not he is an illegal practitioner. The fact may be clearly and unmistakably determined by the answer to a single question: Has this practitioner a license or certificate from the Board of Examiners? If not, he is an illegal practitioner, and if he is practicing

medicine he is doing so in open violation of the law, and should be arrested. There can be no argument or discussion; it is not a matter of opinion, but a matter of fact. Sympathy does not enter into the question, nor should friendship; nor does personal animus. The public, whose servants we are, should be protected; every man who is violating laws intended for the public protection, should be arrested, and that promptly.

For many reasons the work of the Board in prosecuting illegal practitioners has been slow.

ENFORCE THE LAW.

Every trick of the law has been used to interfere with the work; and this by those who should be with us and not against us, as well as by the recognized quack. But on the whole, good progress has been made and the law is by no means a dead letter. The contention that the law should not be enforced simply because its constitutionality has been questioned, is absolutely absurd. The law remains until it is wiped out, and the mere fact that the Supreme Court is considering its constitutionality does not legalize the status of the illegal practitioner. Practically all of the corporations, railroads, steamship companies and health boards have recognized the value of enforcing the law, and have, at the request of the Board, dismissed illegal practitioners. Two exceptions may be noted. One is the Equitable Life Assurance Co., whose medical referee in this locality is an unlicensed physician. The matter was called to the attention of the company, but it is reported that they have decided to do nothing in the matter, taking the ground that this physician does not practice medicine and so does not come within the provisions of the law. This may be technically correct, but is it professionally and ethically right? Does it gratify your sense of right dealing to contemplate this lack of respect toward the standards which you have said shall apply to medical men in your state? Is this corporation so big, so powerful, so rich, so influential in this state that it can with safety and immunity disregard the respectful behest of your representatives—the men you have chosen to stand for you in the protection of the public and the enforcement of the law? Think about it. It is the principle involved, the support given to other persons who are not licensed, and who do practice medicine—illegally.

In a state institution presided over by the president of one of our county medical societies, is a physician who has no license to practice. Here is a man who is employed by the state and is caused, by virtue of such employment, to violate a state law! The state aiding and abetting in the open and continuous violation of its own

law! That is certainly a good (?) example to set. The Board of Examiners notified the proper state officials, but the request that the law be enforced was ignored. In some correspondence relating to the prosecution of another illegal practitioner, occurs the following quotation from a letter written by the superintendent of the institution above referred to, to the district attorney of another county:

"Further, one of the graduates of the P. & S. is one of my assistant physicians in the ———. A complaint was made to the Governor and to the State Lunacy Commissioner against him. This man wrote to the President of the Board of Medical Examiners a letter of inquiry simply asking when the next meeting of their Board would take place. * * * He went before the Board, took the examination and was turned down. The matter was referred to the Lunacy Commission at which session there was present Dr. F. W. Hatch, Superintendent of State Hospitals; W. S. Melick, Secretary of State Board of Examiners representing the Governor; U. S. Webb, Attorney General, and C. F. Curry, Secretary of State; also Dr. N. K. Foster, Secretary of State Board of Health. Their decision was that inasmuch as the constitutionality of the law had been called in question and the matter was before the Supreme Court for adjudication that the matter be left 'statu quo' until that decision was rendered."

That seems to be truly a Solonic decision! On the same line of reasoning it would seem possible to commit all the murders you cared to, should some one only question the constitutionality of the criminal law. There's aid and encouragement, with a vengeance!

Either the law should be upheld or it should be done away with. If it is good, then you should aid in carrying it out and enforcing it, and not allow obstacles to be placed in the way of those who endeavor to do their duty. The fact that a conviction has been secured in every case prosecuted before a jury by the Board, is evidence that its method of procedure is both good sense and good law. It seems almost unbelievable, but the Board reports that its work has been hindered very greatly by licensed members of the profession. Some of these, by letters and verbal requests, and through professional and political influence, have endeavored to upset the work of the Board and prevent certain arrests and prosecutions. Is this sort of thing fair or right? Are you going to tolerate it? If you are—if you are going to permit of "exceptions"—then let us try to do away with the law altogether. In at least one instance several men of prominence in the community, professors in medical colleges, a State

HELP OR HINDRANCE.